

THE HONORABLE ROBERT S. LASNIK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

AMY LINN ALLEN,

Plaintiffs,

vs.

JOHNSON & JOHNSON and ETHICON,
INC.

Defendants.

Case No. 2:21-cv-00367-RSL

STIPULATED MOTION FOR LEAVE
TO FILE AN AMENDED COMPLAINT
AND TO EXTEND TIME TO
RESPOND TO COMPLAINT AND
ORDER

STIPULATION

Plaintiff Amy Linn Allen (“Plaintiff”) and Defendants Ethicon, Inc. and Johnson & Johnson (“Defendants”) (collectively, the “Parties”), by and through counsel, respectfully state the following:

1. On June 2, 2021, Plaintiff filed her First Amended Complaint. Dkt. 8.
2. On June 4, 2021, the Parties agreed that the First Amended Complaint should be further amended.

JOINT MOT. FOR LEAVE TO FILE AM.
COMPL. & TO EXTEND TIME TO
RESPOND & ORDER
(Case No. 2:21-cv-00367-RSL) - 1

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- 1 3. The Parties agree that Plaintiff will file her Second Amended Complaint on or before
2 July 2, 2021.
- 3 4. Fed.R.Civ.P. 15(a)(2), provides that, “a party may amend its pleading only with the
4 opposing party’s written consent or the court’s leave. The court should freely give leave
5 when justice so requires.” A motion to amend under Rule 15(a)(2), “generally shall be
6 denied only upon showing of bad faith, undue delay, futility, or undue prejudice to the
7 opposing party.” *Chudacoff v. University Medical Center of Southern Nevada*, 659 F.3d
8 1143, (9th Cir.2011). Rule 15(a) is designed “to facilitate decision on the merits, rather
9 than on the pleadings or technicalities.” *Id.*
- 10 5. Defendants reserve the right to challenge the sufficiency of Plaintiff’s Second Amended
11 Complaint through a motion to dismiss.
- 12 6. Further, should Plaintiff’s Motion for Leave be granted, the Parties respectfully request
13 that Defendants be allowed an extension to answer or otherwise respond to Plaintiff’s
14 Second Amended Complaint to August 13, 2021.
- 15 7. The Parties respectfully request an order granting Plaintiff’s Motion for Leave to File her
16 Second Amended Complaint by consent, that Plaintiff’s Second Amended Complaint be
17 entered on the docket, and an order granting Defendants’ Motion to Extend the deadline to
18 answer or otherwise respond to Plaintiff’s Second Amended Complaint to August 13, 2021.

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1 WHEREFORE, the Parties respectfully request that this Court grant this Joint Motion,
2 enter Plaintiff's Second Amended Complaint on the docket in this action, and extend Defendants'
3 deadline to answer or respond to Plaintiff's Second Amended Complaint to August 13, 2021.

4 DATED this 30th day of June, 2021.

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20 -- and --

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Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.

Dated this 1st day of July, 2021.



THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

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